

Serial No. 09/687,662
Attorney Docket No.: SEDN/247CIP4
Page 7 of 12

REMARKS

This response is intended as a full and complete response to the Office Action mailed August 11, 2006. Claims 1-21 are currently pending and rejected.

Applicants thank Examiner Brown for the phone interview on October 6, 2006. Claims 1, 13 and 19 have been amended to further clarify the Applicants' invention. Support for the claim amendments can be found, for example, in Figure 18 and corresponding discussions in the original specification. Several key points of Applicants' claimed invention, which are not taught or suggested by the cited references, are summarized as follows.

1. Less than the total number of available IPG pages are broadcast by the head-end without being requested by a user, each page being transmitted as an encoded video stream having a packet identifier (PID).
2. When a request is received for an IPG page that is not among the broadcast pages, the head-end encodes only a guide portion of the requested IPG page (but not the background portion of the IPG page).
3. The guide portion of the requested IPG page is encoded using a temporal slice persistence encoding scheme.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103, and thus, all of these claims are now in allowable form.

It is to be understood that, by amending the claims, Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response with amendments.

504420-2

Serial No. 09/687,662

Attorney Docket No.: SEDN/247CIP4

Page 8 of 12

Claims Patentable over Fries/Aristides under §103

The Office Action rejected claims 1-2, 6-13 and 16-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. US 2002/0035728 A1 for Fries ("Fries") in view of U.S. Patent No. 5,657,072 to Aristides ("Aristides"). Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, "broadcasting from a head-end less than the total number of available interactive program guide (IPG) pages, each IPG page being transmitted as an encoded video stream having a respective packet identifier (PID);", "encoding, by the head-end, only a guide portion of the requested IPG page using a temporal slice persistence encoding scheme, the requested IPG page including the guide portion and a background portion", and "demand-casting, by the head-end to the terminal, the encoded guide portion a limited number of times in response to receiving the request message". The combination of Fries and Aristides fails to teach or suggest one or more of these claim elements.

Instead, Fries teaches a "the cable head-end 22 outputs a plurality of still images, or information pages", along with meta-data for each page, and that "each page image consists of a single frame MPEG2 video sequence". (Fries, col. 2, paragraphs [0032] and [0033]). The "meta-data for a page consists of four tables identified herein as the page element table, the link table, the focus table, and the form table." (Fries, page 12, paragraph [0132]).

Thus, Fries fails to teach or suggest at least the elements of the claimed invention such as transmitting an IPG page as an encoded video stream having a PID, or in response to a request from a terminal, transmitting only the guide portion of the requested IPG page using a temporal slice persistence encoding scheme.

Aristides also fails to teach or suggest at least these elements of Applicants' invention. For example, Aristides teaches the transmission of some program data records prior to peak times, with the records being stored in a record cache by the user interface units for use during peak times (e.g., Aristides, Abstract). This is different from Applicants' invention, which transmits or broadcasts a number of IPG

504420-2

Serial No. 09/687,662

Attorney Docket No.: SEDN/247CIP4

Page 9 of 12

pages, each page being transmitted as an encoded video stream with a respective PID. Although Aristides also teaches the transmission of certain program data records based on requests, there is no teaching in Aristides regarding the transmission of only a guide portion of a requested IPG page (which includes a guide portion and a background portion), or encoding the guide portion using a temporal slice persistence encoding scheme, as recited in Applicants' claim 1.

Therefore, claim 1 is patentable over the combination of Fries and Aristides under §103. Claims 2 and 6-12 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding or further defining elements. Therefore, claims 2 and 6-12 are also patentable over the combination of Fries and Aristides under §103.

Claim 13 recites, *inter alia*, elements similar to those in claim 1, e.g., "receiving a broadcast at a terminal from a head-end, less than the total number of available interactive program guide (IPG) pages, each IPG page being transmitted as an encoded video stream having a respective packet identifier (PID)", "receiving, at the terminal from the head-end, a transmission of a guide portion of the requested IPG page" and "regenerating the requested IPG page from the received transmission, the requested IPG page including the guide portion and a background portion".

For at least the same reasons given above with respect to claim 1, claim 13 is also patentable over the combination of Fries and Aristides under §103.

Claims 16-18 depend, directly or indirectly, from claim 13 and, thus, inherit the patentable subject matter of claim 13, while adding or further defining elements. Therefore, claims 16-18 are also patentable over the combination of Fries and Aristides under §103.

Claim 19 recites, *inter alia*, "a video encoder operative to encode a number of broadcast interactive program guide (IPG) pages and a guide portion of a requested IPG page using a temporal slice persistence encoding scheme," and to "respectively generate a broadcast guide stream and a requested guide stream each having a respective packet identifier (PID)". For at least the same reasons given above with

504420-2

Serial No. 09/687,662

Attorney Docket No.: SEDN/247CIP4

Page 10 of 12

respect to claim 1, claim 19 is also patentable over the combination of Fries and Aristides under §103.

Claim 20 depends from claim 19 and, thus, inherits the patentable subject matter of claim 19, while adding or further defining elements. Therefore, claim 20 is also patentable over the combination of Fries and Aristides under §103.

Applicants respectfully request that the rejection be withdrawn.

Claims Patentable over Fries/Aristides/Rocher under §103

The Office Action rejected claims 3-5, 14-15, and 21 under 35 U.S.C. §103(a) as being unpatentable over Fries and Aristides, in view U.S. Patent No. 3,754,211 to Rocher ("Rocher"). Applicants respectfully traverse the rejection.

As discussed above, the combination of Fries and Aristides fails to teach or suggest at least the following elements: each broadcast IPG page being transmitted "as an encoded video stream having a respective packet identifier (PID)", or "encoding, by the head-end, only a guide portion of the requested IPG page using a temporal slice persistence encoding scheme, the requested IPG page including the guide portion and a background portion", as recited in claim 1.

Col. 4, lines 35-45 and col. 12, lines 2-10 of Rocher, which are cited for teaching the transmission of an acknowledgement ACK signal, also fail to disclose at least the above elements of claim 1.

Claims 3-5 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding or further defining elements. Therefore, claims 3-5 are also patentable over the combination of Fries, Aristides, and Rocher under §103.

As set forth above, claims 13 and 19 each recites certain elements not taught or suggested by Fries or Aristides. Since these elements are also not taught or suggested by Rocher, claims 13 and 19 are also patentable under §103 over Fries in view of Aristides and Rocher.

504420-2

Serial No. 09/687,662

Attorney Docket No.: SEDN/247CIP4

Page 11 of 12

Since claims 14-15 depend, directly or indirectly, from claim 13, and claim 21 depends from claim 19, these depending claims inherit the patentable subject matter of claim 13 and claim 19, respectively, while adding or further defining elements. Therefore, claims 14-15 and 21 are also patentable over the combination of Fries, Aristides, and Rocher under §103.

Applicants respectfully request that the rejection over Fries in view of Aristides and Rocher be withdrawn.

504420-2

Serial No. 09/687,662
Attorney Docket No.: SEDN/247CIP4
Page 12 of 12

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 10/9/06

E J Wall
Eamon J. Wall
Registration No. 39,424
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808